

LAW OFFICES
GILCHRIST & RUTTER
PROFESSIONAL CORPORATION
1299 OCEAN AVENUE, SUITE 900
SANTA MONICA, CALIFORNIA 90401-1000
TEL (310) 393-4000 • FAX (310) 394-4700

1 RICHARD H. CLOSE (Bar No. 50298)
rclose@gilchristutter.com
2 THOMAS W. CASPARIAN (Bar No. 169763)
tcasparian@gilchristutter.com
3 YEN N. NGUYEN (Bar No. 233880)
ynguyen@gilchristutter.com
4 GILCHRIST & RUTTER
Professional Corporation
5 Wilshire Palisades Building
1299 Ocean Avenue, Suite 900
6 Santa Monica, California 90401-1000
Telephone: (310) 393-4000
7 Facsimile: (310) 394-4700

8 Attorneys for Plaintiff Palo Mobile Estates
9 Associates

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 PALO MOBILE ESTATES ASSOCIATES,
13 a California limited partnership,

14 Plaintiff,

15 vs.

16 CITY OF EAST PALO ALTO, a municipal
17 corporation; DOES 1 through 10, inclusive,

18 Defendants.
19

CASE NO: C 07-03601 PJH

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Superior Court Action Filed: June 12, 2007
Removed to Federal Court: July 12, 2007
Trial Date: None Set

LAW OFFICES
GILCHRIST & RUTTER
PROFESSIONAL CORPORATION
1299 OCEAN AVENUE, SUITE 900
SANTA MONICA, CALIFORNIA 90401-1000
TEL (310) 393-4000 • FAX (310) 394-4700

1 WHEREAS, at the case management conference on December 6, 2007, the Court stayed
2 this matter at the request of both parties pending the outcome of the concurrent petition for a writ
3 of mandate in the San Mateo County Superior Court (“Case No. CIV 467731”);

4 WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo
5 Alto (“City”) to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park
6 conversions from rental-only facilities to resident ownership pursuant to Government Code section
7 66427.5 within the City;

8 WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731
9 on June 24, 2008 (“Writ”);

10 WHEREAS, this action seeks damages related to the City’s adoption of Ordinance No. 305
11 and its effect on plaintiff Palo Mobile Estates Associates’ (“PME”) application to convert its
12 mobilehome park from a rental-only facility to resident ownership pursuant to Government Code
13 section 66427.5 (“Application”);

14 WHEREAS, the City will holding a hearing on PME’s Application on October 13, 2008 to
15 consider the Application in light of the Writ issued by the San Mateo Superior Court in Case No.
16 CIV 467731;

17 WHEREAS, the current Case Management Conference is set on October 2, 2008 and the
18 related Joint Case Management Statement is due on September 25, 2008;

19 WHEREAS, the outcome of the City’s October 13, 2008 hearing on PME’s Application
20 could drastically affect the scope of this action;

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through
2 their respective counsel, that:

3
4 This Court continue the stay in this action and continue the Case Management Conference
5 to November 4, 2008.

6
7 DATED: September 11, 2008

GILCHRIST & RUTTER
Professional Corporation

8
9
10 By: /s/ Thomas W. Casparian
11 Thomas W. Casparian
12 Attorneys for Plaintiff
13 Palo Mobile Estates Associates

14 DATED: September 11, 2008

JARVIS, FAY, DOPORTO & GIBSON, LLP

15 By: /s/ Benjamin P. Fay
16 Benjamin P. Fay
17 Attorneys for Defendant
18 CITY OF EAST PALO ALTO

19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED:

Honorable Phyllis J. Hamilton
23 Judge, United States District Court

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401-1000. On September 11, 2008, I served the within documents:

**STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE
[PROPOSED] ORDER**

- ☐ by transmitting the document(s) listed above via facsimile from sending facsimile machine number to the fax number(s) set forth below on this date before 5:00 p.m. and receiving confirmed transmission reports indicating that the document(s) were successfully transmitted.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Monica, California, addressed as set forth below.
- ☐ by causing overnight delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by causing personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

- ☐ (*State*) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (*Federal*) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 11, 2008 at Santa Monica, California.

/s/ M.L. Glenn

M.L. Glenn

LAW OFFICES
GILCHRIST & RUTTER
PROFESSIONAL CORPORATION
1299 OCEAN AVENUE, SUITE 900
SANTA MONICA, CALIFORNIA 90401-1000
TEL (310) 393-4000 • FAX (310) 394-4700

SERVICE LIST

Valerie Armento, Esq. City Attorney Office of the City Attorney City of East Palo Alto 2415 University Avenue East Palo Alto, CA 94303	Attorneys for Defendant <i>City of East Palo Alto</i>
Benjamin P. Fay, Esq. Rick W. Jarvis, Esq. Jarvis, Fay, Doporto & Gibson, LLP 475 - 14th Street, Suite 260 Oakland, CA 94612	Attorneys for Defendant <i>City of East Palo Alto</i>